

ATTORNEY DOCKET NO. 2001180-0028 (HU 1513-98, 1626-99, 1632-99)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stockwell, <i>et al.</i>	Examiner:	Friend, Tomas H.F.
Serial No.:	09/361,576	Art Unit:	1627
Filing Date:	July 27, 1999		
Title:	METHOD OF HIGH-THROUGHPUT SCREENING OF MOLECULES AND COMPOUNDS FOR THEIR EFFECTS ON BIOLOGICAL AND CHEMICAL PROCESSES		

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

This Response is submitted in response to the Office Action mailed August 22, 2002, in connection with the above-identified application. Applicant requests a one (1) month extension of time, from September 22, 2002 to and including October 22, 2002, to reply to the Office Action. With the extension, the deadline for response to the Office Action is October 22, 2002, and thus Applicant respectfully submits that the filing of this response on October 10, 2002, is timely.

STATUS OF THE CLAIMS

The Examiner states that the numbering of claims (*e.g.*, claims 82-128), as presented in the Submission under 37 C.F.R. § 1.114 filed with a Request for Continued Examination on May 8, 2002, is not in accordance with 37 C.F.R. § 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution.

Applicant notes that, in the Response under 37 C.F.R. § 1.116 filed March 8, 2002 in the present case, claims 39-56 were canceled and new claims 57-81 were added. In an Advisory Action mailed April 5, 2002, the Examiner notified Applicant that claims 57-81 would not be entered on grounds that they raised new issues that required further search and/or consideration and raised the issue of new matter. Claims 57-81 were later canceled in the Submission under 37

C.F.R. § 1.114 filed on May 8, 2002, and were replaced with new claims 82-128. As the Examiner pointed out, 37 C.F.R. § 1.126 requires that "the original numbering of the claims [...] be preserved throughout the prosecution. When claims are canceled, they must not be renumbered. When claims are added, they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (*whether entered or not*)" [emphasis added]. Therefore, it would appear that claims 82-128, as presented in the Submission under 37 C.F.R. § 1.114 filed May 8, 2002, are, in fact, numbered in accordance with 37 C.F.R. § 1.126. However, if the Examiner disagrees with Applicant's interpretation of 37 C.F.R. § 1.126, Applicant will continue prosecution of the claims as renumbered by the Examiner.

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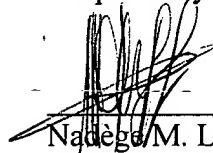
In response to the Election of Species Requirement mailed August 22, 2002, Applicant hereby elects the following species:

- A) species of ligand : *antibody*;
- B) species of second ligand: *antibody*;
- C) species of reagent: *5-bromodeoxyuridine*; and
- D) number of different cell lines used: *one*.

Applicant would like to thank Examiner Friend for careful review and consideration of this case. If a telephone conversation would help clarify any issues, or help expedite prosecution of this case, Applicant invites the Examiner to contact the undersigned at (617) 248-5150.

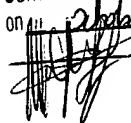
Although it is believed that there is no fee associated with this Response, if Applicant is mistaken, please charge any fees to our Deposit Account No.: 03-1721.

Respectfully submitted,


Nadège M. Lagneau, Ph.D.
Reg. No.: 51,908

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Exchange Place
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Date: October 10, 2002

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to: Assistant
Commissioner For Patents, Washington, D.C. 20231
on October 10, 2002


(NADÈGE M. LAGNEAU)